

SEALED

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV - 8 2019
CLERK, U.S. DISTRICT COURT
By Deputy

UNITED STATES DISTRICT COURT
for the
Northern District of Texas

United States of America)
v.)
David Cadena)
)
)
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)
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)

Case No.
3-19MJ015BT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 21, 2019 in the county of Dallas in the
Northern District of Texas, the defendant(s) violated:

Code Section	Offense Description
Title 18, United States Code Section 2119(2)	Carjacking Resulting In Serious Bodily Injury

This criminal complaint is based on these facts:
See Attached Affidavit of FBI SA Daniel Gimenez

☐ Continued on the attached sheet.


Complainant's signature
Daniel Gimenez, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/08/2019

City and state: Dallas, Texas


Judge's signature
Rebecca Rutherford, US Magistrate Judge
Printed name and title

AFFIDAVIT

I, Daniel Gimenez, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

Your affiant, Daniel Gimenez, is a Special Agent with the FBI assigned to the Dallas Violent Crimes Task Force (DVCTF) since November of 2014. As part of the DVCTF, your affiant investigates federal violent crimes, including commercial robberies, extortions, bank robberies, kidnappings, carjackings, and organized crime. This affidavit is made in support of an arrest warrant—via criminal complaint—against **David Cadena** (Hispanic Male/DOB XX/XX/1994) for carjacking, in violation of 18 U.S.C. § 2119(2). This affidavit is based on my personal knowledge as well as on information provided to me by other law enforcement officers and other individuals who have participated in this investigation. Since this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included all facts known to me concerning this investigation. Based on the facts set forth below, there is probable cause to believe that on or about September 21, 2019, in the Dallas Division of the Northern District of Texas, **David Cadena**, with intent to cause death and serious bodily harm, did knowingly and unlawfully take, and attempt to take, a motor vehicle, to-wit: a 2015 Toyota Carolla, bearing vehicle identification number (VIN) 5YFBURHE2FP244863 and Texas license plate number KKH2772, that had been transported, shipped, and received in interstate and foreign commerce, in the presence of

Affidavit—Page 1

another, namely, J.K., by force and violence and by intimidation, resulting in serious bodily injury that caused extreme physical pain, protracted and obvious disfigurement, and protracted loss and impairment of the function of a bodily member to J.K.

FACTS ESTABLISHING PROBABLE CAUSE

On Saturday, September 21, 2019 at about 3:10 a.m., Cadena violently carjacked J.K., by assaulting her with a fire extinguisher and taking her vehicle without her consent. J.K. sustained serious bodily injury as a result of the carjacking. This offense occurred at 2013 Jackson Street, Dallas, Dallas County, Texas, which is in the Dallas Division of the Northern District of Texas.

J.K. had parked her motor vehicle, a 2015 Toyota Carolla, (VIN) 5YFBURHE2FP244863 and Texas license plate number KKH2772, in the parking garage owned by the Statler Dallas, Curio Collection by Hilton. J.K. went to the Harwood Tavern at 333 South Harwood Street with three co-workers and at about 2:30 a.m. J.K. and E.M., a co-worker, walked to the parking garage. J.K. and E.M. went into the elevator. J.K. then went to her 2015 Toyota Carolla and **Cadena** walked into the parking garage and took a fire extinguisher off a concrete pillar. **Cadena** sprayed the fire extinguisher and entered the elevator about two minutes after complainant J.K. had used the elevator. **Cadena** observed J.K. and assaulted her with the fire extinguisher. **Cadena** then entered complainant J.K.'s vehicle without her permission and drove it around in the parking lot. J.K.'s purse and cell phone were inside the vehicle. **Cadena** wrecked complainant J.K.'s vehicle on the second floor of the parking garage. X.H., who works as

a security officer for the Statler, responded to the scene and observed **Cadena** inside J.K.'s vehicle. X.H. removed **Cadena** from J.K.'s vehicle for his safety. Dallas Fire Department responded to the location. J.K. was found unconscious and transported to Baylor Hospital for medical treatment. J.K. suffered severe bruising and swelling to her face and head. J.K. also suffered nerve damage to her arms and legs due to result of the severe beating. The Dallas Police Department (DPD) obtained video surveillance from Statler that shows **Cadena** with the fire extinguisher and walking through the parking garage. The following photographs depict the victim's serious bodily injury:



The 2015 Toyota Carolla, bearing vehicle identification number (VIN) 5YFBURHE2FP244863 and Texas license plate number KKH2772, that **Cadena** took from the victim during the carjacking was manufactured and assembled in Blue Springs, Mississippi and shipped to Texas for sale. Thus, this motor vehicle had been transported, shipped, and received in interstate and foreign commerce.

CONCLUSION

Based on the facts set forth above, there is probable cause to believe that on or about September 21, 2019, in the Dallas Division of the Northern District of Texas, **David Cadena** carjacked J.K., which resulted in serious bodily injury to J.K., in violation of 18 U.S.C. § 2119(2), and I request that the Court issue a warrant for his arrest for this offense.

Respectfully submitted,



DANIEL GIMENEZ
Special Agent, FBI

Subscribed to and sworn to before me on the 8 day of November 2019.



REBECCA RUTHERFORD
United States Magistrate Judge
Northern District of Texas